

(c) CONFORMING AMENDMENTS.—

(1) SERVICE DEFINITIONS.—Section 4303 of title 38, United States Code, is amended—

(A) in paragraph (13), by inserting “, a period for which a person is absent from a position of employment to perform service to the General Services Administration as an active reservist of the National Reserve Digital Corps under section 10304 of title 5, or inactive reservist training for such service under section 10305 of title 5,” before “, and a period”; and

(B) in the second paragraph (16), by inserting “, active reservists of the National Reserve Digital Corps who are appointed into General Services Administration service under section 10303(c)(2) of title 5, or inactive reservist training for such service under section 10305 of title 5,” before “, and any other category”.

(2) REEMPLOYMENT SERVICE NOTICE REQUIREMENT.—Section 4312(b) of title 38, United States Code, is amended by striking “A determination of military necessity” and all that follows and inserting the following: “A determination of military necessity for the purposes of this subsection—

“(1) shall be made—

“(A) except as provided under subparagraph (B), (C), or (D), pursuant to regulations prescribed by the Secretary of Defense;

“(B) for persons performing service to the Federal Emergency Management Agency under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165f) and as intermittent personnel under section 306(b)(1) of such Act, by the Administrator of the Federal Emergency Management Agency, as described in sections 327(j)(2) and 306(d)(2), respectively, of such Act;

“(C) for intermittent disaster-response appointees of the National Disaster Medical System, by the Secretary of Health and Human Services, as described in section 2812(d)(3)(B) of the Public Health Service Act (42 U.S.C. 300hh–11(d)(3)(B)); and

“(D) for active reservists of the National Reserve Digital Corps performing service to the General Services Administration under section 10304 of title 5, or inactive reservist training for such service under section 10305 of title 5, by the Administrator of General Services, as described in section 10303(b)(3)(B) of title 5; and

“(2) shall not be subject to judicial review.”

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator of General Services \$30,000,000, to remain available until fiscal year 2023, to carry out the program established under section 10302(a) of title 5, United States Code, as added by subsection (a).

SA 4029. Mr. BENNET (for himself and Mr. SASSE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ TASK FORCE ON ARTIFICIAL INTELLIGENCE GOVERNANCE AND OVERSIGHT.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act,

the President shall appoint a task force to assess the privacy, civil rights, and civil liberties implications of artificial intelligence (referred to in this section as the “AI Task Force”).

(b) MEMBERSHIP OF TASK FORCE.—

(1) IN GENERAL.—The AI Task Force shall include—

(A) the Director of the Office of Management and Budget or his or her designee;

(B) the Director of the National Institute of Standards and Technology or his or her designee;

(C) the Director of the Office of Science and Technology Policy or his or her designee;

(D) the Deputy Director for Technology at the National Science and Technology Foundation;

(E) the Secretary of Health and Human Services or his or her designee;

(F) the Secretary of Transportation or his or her designee;

(G) the Secretary of Housing and Urban Development or his or her designee;

(H) the Comptroller General of the United States or his or her designee;

(I) the Chairman of the Federal Trade Commission or his or her designee;

(J) the Chairperson of the Equal Employment Opportunity Commission or his or her designee;

(K) the Chair of the Council of Inspectors General on Integrity and Efficiency or his or her designee;

(L) the Principal Deputy Assistant Attorney General for the Civil Rights Division of the Department of Justice or his or her designee;

(M) the chief privacy and civil liberties officers for the following agencies:

(i) the Department of State;

(ii) the Department of the Treasury;

(iii) the Department of Defense;

(iv) the Department of Justice;

(v) the Department of Health and Human Services;

(vi) the Department of Homeland Security;

(vii) the Department of Commerce;

(viii) the Department of Labor;

(ix) the Department of Education; and

(x) the Office of the Director of National Intelligence;

(N) the Chair of the Privacy and Civil Liberties Oversight Board;

(O) the Chair of the National Artificial Intelligence Advisory Committee's Subcommittee on Artificial Intelligence and Law Enforcement;

(P) any other governmental representative determined necessary by the President; and

(Q) not fewer than 6, but not more than 10, representatives from civil society, including organizational leaders with expertise in technology, privacy, civil liberties, and civil rights, representatives from industry, and representatives from academia, as appointed by the President.

(2) TASK FORCE CHAIR AND VICE CHAIR.—The President shall designate a Chair and Vice Chair of the AI Task Force from among its members.

(c) DUTIES.—The AI Task Force shall carry out the following duties:

(1) Identifying policy and legal gaps and making recommendations to ensure that uses of artificial intelligence (referred to in this section as “AI”) and associated data in United States Government operations comport with freedom of expression, equal protection, privacy, and due process.

(2) Assessing existing policy, regulatory, and legal gaps for current AI applications, and associated data, and making recommendations for—

(A) legislative and regulatory reforms on the development and fielding of AI and associated data, to include Federal Government

use and management of biometric identification technologies, government procurement of commercial AI products, Federal data privacy standards, Federal antidiscrimination laws, Federal disparate impact standards, AI validation and auditing, and AI risk and impact assessment reporting;

(B) institutional changes to ensure sustained assessment and recurring guidance on privacy and civil liberties implications of AI applications, emerging technologies, and associated data; and

(C) the utility of a new Federal entity to regulate and provide government-wide oversight of AI use by the Federal Government, including—

(i) the review of Federal funds used for the procurement and development of AI; and

(ii) the enforcement of Federal law for commercial AI products used in government.

(3) Conducting an assessment and making recommendations to Congress and to the President to ensure that the development and fielding of artificial intelligence by the Federal Government provides protections for the privacy, civil liberties, and civil rights of individuals in the United States in a manner that is appropriately balanced against critical law enforcement and national security needs.

(4) Recommending baseline standards for Federal Government use of biometric identification technologies, including facial recognition, voiceprint, gait recognition, and keyboard entry technologies.

(5) Recommending baseline standards for the protection and integrity of data in the custody of the Federal Government.

(6) Recommending proposals to address any gaps in Federal law or regulation with respect to facial recognition technologies in order to enhance protections of privacy, civil liberties, and civil rights of individuals in the United States.

(7) Recommending best practices and contractual requirements to strengthen protections for privacy, information security, fairness, nondiscrimination, auditability, and accountability in artificial intelligence systems and technologies and associated data procured by the Federal Government.

(8) Considering updates to and reforms of Government data privacy and retention requirements to address implications to privacy, civil liberties, and civil rights.

(9) Assessing ongoing efforts to regulate commercial development and fielding of artificial intelligence and associated data in light of privacy, civil liberties, and civil rights implications, and as appropriate, considering and recommending institutional or organizational changes to facilitate applicable regulation.

(10) Assessing the utility of establishing a new organization within the Federal Government to provide ongoing governance for and oversight over the fielding of artificial intelligence technologies by Federal agencies as technological capabilities evolve over time.

(d) ORGANIZATIONAL CONSIDERATIONS.—In conducting the assessments required by paragraphs (2) and (3) of subsection (c), the AI Task Force shall consider—

(1) the organizational placement, structure, composition, authorities, and resources that a new organization would require to provide ongoing guidance and baseline standards for—

(A) the Federal Government's development, acquisition, and fielding of artificial intelligence systems to ensure they comport with privacy, civil liberties, and civil rights and civil liberties law, including guardrails for their use; and

(B) providing transparency to oversight entities and the public regarding the Federal Government's use of artificial systems and the performance of those systems;

(2) the existing interagency and intra-agency efforts to address AI oversight;

(3) the need for and scope of national security carve outs, and any limitations or protections that should be built into any such carve outs; and

(4) the research, development, and application of new technologies to mitigate privacy and civil liberties risks inherent in artificial intelligence systems.

(e) **POWERS OF THE TASK FORCE.**—

(1) **HEARINGS.**—The Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the AI Task Force considers appropriate.

(2) **POWERS OF MEMBERS AND AGENTS.**—Any member of the AI Task Force may, upon authorization by the AI Task Force, take any action that the AI Task Force is authorized to take under this section.

(3) **OBTAINING OFFICIAL DATA.**—Subject to applicable privacy laws and relevant regulations, the AI Task Force may secure directly from any department or agency of the United States information and data necessary to enable it to carry out this section. Upon written request of the Chair of the AI Task Force, the head or acting representative of that department or agency shall furnish the requested information to the AI Task Force not later than 30 days after receipt of the request.

(f) **OPERATING RULES AND PROCEDURE.**—

(1) **INITIAL MEETING.**—The AI Task Force shall meet not later than 30 days after the date on which a majority of the members of the AI Task Force have been appointed.

(2) **VOTING.**—Each member of the AI Task Force shall have 1 vote.

(3) **RECOMMENDATIONS.**—The AI Task Force shall adopt recommendations only upon a majority vote.

(4) **QUORUM.**—A majority of the members of the AI Task Force shall constitute a quorum, but a lesser number of members may hold meetings, gather information, and review draft reports from staff.

(g) **STAFF.**—

(1) **PERSONNEL.**—The chairperson of the AI Task Force may appoint staff to inform, support, and enable AI Task Force members in the fulfillment of their responsibilities. A staff member may not be a local, State, or Federal elected official or be affiliated with or employed by, such an elected official during the duration of the AI Task Force.

(2) **DETAILLEES.**—The head of any Federal department or agency may detail, on a non-reimbursable basis, any of the personnel of that department or agency to the AI Task Force to assist the AI Task Force in carrying out its purposes and functions.

(3) **SECURITY CLEARANCES FOR MEMBERS AND STAFF.**—The appropriate Federal departments or agencies shall cooperate with the AI Task Force in expeditiously providing to the AI Task Force members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person may be provided with access to classified information under this section without the appropriate security clearances.

(4) **EXPERT CONSULTANTS.**—As needed, the AI Task Force may commission intermittent research or other information from experts and provide stipends for engagement consistent with relevant statutes and regulations.

(h) **ASSISTANCE FROM PRIVATE SECTOR.**—

(1) **PRIVATE ENGAGEMENT.**—The Chair of the AI Task Force may engage with representatives from a private sector organization for the purpose of carrying out the mission of the AI Task Force, and any such engagement shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(2) **TEMPORARY ASSIGNMENT OF PERSONNEL.**—The Chair of the AI Task Force, with the agreement of a private sector organization, may arrange for the temporary assignment of employees of the organization to the Task Force in accordance with paragraphs (1) and (4) of subsection (g).

(3) **DURATION.**—An assignment under this subsection may, at any time and for any reason, be terminated by the Chair or the private sector organization concerned and shall be for a total period of not more than 18 months.

(i) **APPLICATION OF ETHICS RULES.**—An employee of a private sector organization assigned under subsection (h)—

(1) shall be deemed to be a special government employee for purposes of Federal law, including chapter 11 of title 18, United States Code, and the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(2) notwithstanding section 202(a) of title 18, United States Code, may be assigned to the Task Force for a period of not longer than 18 months.

(3) **NO FINANCIAL LIABILITY.**—Any agreement subject to this subsection shall require the private sector organization concerned to be responsible for all costs associated with the assignment of an employee under subsection (h).

(j) **REPORTING.**—

(1) **INTERIM REPORT TO CONGRESS.**—Not later than 1 year after the establishment of the AI Task Force, the AI Task Force shall prepare and submit an interim report to Congress and the President containing the AI Task Force's legislative and regulatory recommendations.

(2) **UPDATES.**—The AI Task Force shall provide periodic updates to the President and to Congress.

(3) **FINAL REPORT.**—Not later than 18 months after the establishment of the AI Task Force, the AI Task Force shall prepare and submit a final report to the President and to Congress containing its assessment on organizational considerations, to include any recommendations for organizational changes.

(k) **OTHER EMERGING TECHNOLOGIES.**—At any time before the submission of the final report under subsection (j)(3), the AI Task Force may recommend to Congress the creation of a similar task force focused on another emerging technology.

(l) **SUNSET.**—The AI Task Force shall terminate on the date that is 18 months after the establishment of the AI Task Force.

SA 4030. Ms. ROSEN (for herself, Ms. CORTEZ MASTO, and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 318. MODIFICATION TO BUDGETING OF DEPARTMENT OF DEFENSE RELATING TO EXTREME WEATHER.

Section 328(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 221 note) is amended—

(1) in paragraph (1), by striking “; and” and inserting a semicolon;

(2) in paragraph (2)—

(A) by inserting “of” after “result”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(3) a calculation of the annual costs to the Department for assistance provided to—
“(A) the Federal Emergency Management Agency or Federal land management agencies—

“(i) pursuant to requests for such assistance; and

“(ii) approved under the National Inter-agency Fire Center; and

“(B) any State, territory, or possession under title 10 or title 32, United States Code, regarding extreme weather.”.

SA 4031. Ms. ROSEN (for herself and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 596. ACCESS TO TOUR OF DUTY SYSTEM.

(a) **ACCESS.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall ensure, subject to paragraph (2), that a member of the reserve components of the Army may access the Tour of Duty system using a personal internet-enabled device.

(2) **EXCEPTION.**—The Secretary of the Army may restrict access to the Tour of Duty system on personal internet-enabled devices if the Secretary determines such restriction is necessary to ensure the security and integrity of information systems and data of the United States.

(b) **TOUR OF DUTY SYSTEM DEFINED.**—In this section, the term “Tour of Duty system” means the online system of listings for opportunities to serve on active duty for members of the reserve components of the Army and through which such a member may apply for such an opportunity, known as “Tour of Duty”, or any successor to such system.

SA 4032. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1023. AWARD OF CONTRACTS FOR OVERHAUL, REPAIR, AND MAINTENANCE OF NAVAL VESSELS IN AREAS OUTSIDE THE HOMEPORT OF THE VESSEL CONCERNED TO MEET SURGE CAPACITY NEEDS.

Section 8669a of title 10, United States Code, is amended—

(1) in subsection (c)(2), by inserting “, except such paragraph shall not apply to the